

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RODERICK WARNER WHELESS,	)	
	)	
Petitioner,	)	
	)	1:13CV741
v.	)	1:07CR230-1
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On September 22, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 53, 54.) Petitioner timely filed objections (Doc. 57) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that Respondent's motion to dismiss this action for being filed beyond the one-year limitation period (Doc. 47) is **GRANTED**, that Petitioner's motion to vacate, set aside, or correct sentence, as amended, (Doc. 43) is **DENIED**, and that this action is dismissed with prejudice. Finding no

substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 11th day of December, 2015.

*William L. Ostun, Jr.*

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United States District Judge